

REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

Applicant has herein amended the specification to delete references to figures that were not supplied with the application. No new matter was entered. Applicant has also submitted replacement drawing sheets to correct lead lines and delete descriptive material. No new matter was entered.

In the Office Action, the Examiner rejected claims 1 - 20. Claims 1, 14 and 20 have been amended to further clarify the subject matter regarded as a claimed embodiment of the invention. Claims 2, 3, 15 and 16 have been canceled without prejudice or disclaimer. As such, claims 1, 4 - 14, 17 - 20 are currently pending.

OBJECTION TO THE DRAWINGS

1. In the Office Action, the Examiner objected to the drawing "... as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The features 160 and 170 do not appear to have been described." Applicant respectfully draws the Examiner's attention to the application, as published in 20050205180. In paragraph [0042], sentence 3, it states, "Ornamental features such as ear 150 and eyes 160 may be added as shown." Furthermore, in paragraph [0042], sentence 5, it is stated "In one embodiment, for example, eyes 150 and nose 170..." As such, Applicant believes that features 160 and 170 have been sufficiently described and corrections to the drawings or amendments to the specification are not required in this matter.

2. In the Office Action, the Examiner stated "The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following figures mentioned in the description: figures 15d, 15e, 16c and 16d appear to be missing from the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application.” Applicant has herein amended the specification to eliminate references to figures 15d, 15e, 16c and 16d. Applicant believes that no new matter has been added by the amendment and corrected drawing sheets are not required in this matter.

3. In the Office Action, the Examiner stated “The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flexible foam or plastic sheeting claimed in claims 10 and 18, the step of filling with a filling material claimed in claim 15, and the step of stitching embroidery claimed in claim 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.”

With regards to the flexible foam or plastic sheeting claimed in claims 10 and 18, Applicant requests that the Examiner view FIG. 4 and the description provided in paragraph [0043] wherein it states, “Those in the art will appreciate many other practical considerations in selecting the appropriate backing material 420, by way of example and not limitation, it should be compliant with the method of joining seam 450, be weather resistant if meant for outdoor use, and etc. Suitable materials for certain applications include various known types of flexible foam and plastic sheeting.” Applicant respectfully argues that the flexible foam or plastic sheeting is shown in FIG. 4 as backing material 420 as described above. Applicant respectfully requests that the Examiner withdraw the objection in this regard.

With regards to a filling material claimed in claim 15, and the step of stitching embroidery claimed in claim 16, Applicant has herein canceled claims 15 and 16 without prejudice or disclaimer.

4. In the Office Action, the Examiner objected to the drawing “...because reference numerals lack lead lines and descriptive matter should not appear in the drawing figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.” Applicant is herein supplying replacement drawing sheets in this regard. Applicants will file formal drawings, if needed, when the application is allowed.

REJECTION OF CLAIMS 1 - 20 UNDER 35 USC §102(b)

Claims 1-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Kim '433. The Examiner stated, "Note that the cover has a head of a cat and is for a golf club and therefore an outdoor object as claimed. The outer covering may comprise pieces stitched together for shaping as claimed and have a foam insert, Note the use of stuffing 46 and the two dimensional cover at 30. Note also that facial features may be stitched to the cover."

Applicant respectfully disagrees. Applicant has herein amended independent claim 1 to now recite, in relevant part, "...thereby forming the 3D structural shape where the first continuous structural surface is capable of restoring the 3D structural shape when the first continuous structural surface is deformed..." Support for this may be found in the specification in paragraph [0043] wherein it states "Backing material 420 should preferably be selected stiff enough to hold/restore the underlying 3D structure according to the needs of the application, but still be flexible enough to easily deform if the particular application requires this capability." Kim does not show describe or teach Applicant's claimed embodiment of the invention where the underlying 3D structure can be restored after being deformed. In fact, Kim shows and describes a rigid inner shell 23 formed from a mold 18. The inner shell of Kim is not intended to restore its 3D shape after being deformed. Kim's rigid shell teaches away from Applicant's structure, which restores its 3D shape after being deformed. Applicant has also amended independent claim 14 to recite, in relevant part, "...where the continuous structural surface is capable of restoring the 3D shape when the continuous structural surface is deformed..." As discussed above, Applicant's claimed property of restoring is not shown or described in Kim. Applicant has further amended independent claim 20 to recite, in relevant part, "...the first continuous structural surface is capable of restoring the desired 3D structural shape when the first continuous structural surface is deformed..." As such, Kim does not anticipate Applicant's claimed apparatus in amended claim 20. Applicant has furthermore herein cancelled claims 2, 3, 15 and 16 without prejudice or disclaimer. Remaining dependent claims 4 - 13 and 17 -19, are also not anticipated by Kim for

reasons stated above. Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 102(b) as being anticipated by Kim.

Claims 1-5, 7-9, 11-17, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Wickers '196. Applicant respectfully disagrees. Applicant's amended claims 1, 14 and 20 recite a structural surface that is capable of restoring its 3D shape when it is deformed. Wickers shows in FIG. 5 and describes in column 3, first paragraph, a head portion 40 formed of a fabric wall 44 which completely encloses a wad of soft fill material 46. Wickers does not show or describe Applicant's "...relatively stiff, thin and flat structural material... where the first continuous structural surface is capable of restoring the 3D structural shape when the first continuous structural surface is deformed." As such, Applicant does not believe that Wickers anticipates the invention as claimed in amended independent claims 1, 14 and 20 and dependent claims 4-5, 7-9, 11-13, 17 and 19. Therefore Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 102(b) as being anticipated by Wickers.

OTHER CITED REFERENCES

The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance for this application is respectfully requested from the Examiner. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite

the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant believes that a 1 month extension fee in connection with this filing is due. Applicant hereby petition for an extension of time which may be required to maintain the pendency of this case, and for any required fee for such extension or any further fee required in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge any required fees not included with this paper directly to the credit card indicated in the attached Credit Card Payment form PTO-2038. In any case, it is requested that the Commissioner notify Applicant of any payment due that is not otherwise paid with this letter.

Respectfully submitted,
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